

Message Text

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ACTION L-03

INFO OCT-01 IO-14 ISO-00 AF-10 ARA-16 EA-11 EUR-25 NEA-10

RSC-01 CIAE-00 DODE-00 PM-07 H-03 INR-10 NSAE-00

NSC-10 PA-04 PRS-01 SPC-03 SS-20 USIA-15 ACDA-19 A-01

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TAGS: UNGA, PINS

SUBJ: UNGA--LEGAL COMMITTEE--PROTECTION OF DIPLOMATS--
LIBERATION MOVEMENTS EXCEPTION

REF: USUN 4800; USUN 4849

1. GONZALEZ GALVEZ (CHAIRMAN) CONVENED ANOTHER MEETING
AM NOV 20 OF INFORMAL GROUP TO DISCUSS AFRICAN PROPOSAL
AND EXCEPTION FOR NATIONAL LIBERATION MOVEMENTS IN
CONVENTION ON PROTECTION OF DIPLOMATS.

2. SAHOVIC (YUGOSLAVIA) SUGGESTED LANGUAGE BASED ON UNGA
RES 3034, WHICH COULD BE PUT IN PREAMBLE OF CONVENTION
OR RESOLUTION WHICH ADOPTS CONVENTION "CONSIDERS THAT NONE OF
THE PROVISIONS OF THE PRESENT RESOLUTION CAN AFFECT
THE STRUGGLE IN ACCORDANCE WITH THE CHARTER OF THE
UNITED NATIONS AND WITHIN THE FRAMEWORK OF THE INALIEN-
ABLE RIGHT TO SELF-DETERMINATION OF THE PEOPLES UNDER
COLONIALISM OR RACIAL DOMINATION OR FOREIGN OCCUPATION."

3. GONZALEZ GALVEZ REVIEWED ALTERNATIVES PUT FORWARD
PARA 3 OF USUN 4849 AND SUGGESTED WE CONSIDER POSSIBILITY
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OF RESERVATIONS ARTICLE FOR CONVENTION PLUS PARA ALONG

LINES SUGGESTED BY SAHOVIC.

4. UK SUGGESTED CLAUSE ALONG LINES "CONSIDERS THAT NONE OF THE PROVISIONS OF THE CONVENTION ARE INTENDED TO PROVIDE A (COVER) (MEANS) FOR REPRESSING THE STRUGGLE...."

5. MALI EXPRESSED DISSATISFACTION WITH IDEA OF RESERVATIONS ARTICLE BECAUSE HE INTERESTED IN SEEING ANY EXCEPTION ON NATIONAL LIBERATION MOVEMENTS APPLY TO ALL PARTIES TO CONVENTION AND NOT MERELY TO RESERVING STATES.

6. KENYA SAID PARAGRAPH IN PREAMBLE INADEQUATE AND THERE SHOULD BE SEPARATE ARTICLE IN CONVENTION. HE SAID INTENTION WAS TO ENSURE THAT CONVENTION NOT USED IN MANNER TO OBSTRUCT STRUGGLE FOR NATIONAL LIBERATION, BUT INSISTED THAT COSPONSORS DID NOT HAVE IN MIND THAT DIPLOMATS SHOULD BE KILLED. HE SUGGESTED FOLLOWING LANGUAGE:

"NO PROVISION OF THE PRESENT ARTICLES SHALL BE APPLICABLE TO THE EXERCISE OF THE LEGITIMATE RIGHTS TO SELF-DETERMINATION AND INDEPENDENCE IN ACCORDANCE WITH THE PRINCIPLES OF THE UNITED NATIONS CHARTER AND THE DECLARATION ON PRINCIPLES OF INTERNATIONAL LAW CONCERNING FRIENDLY RELATIONS AND CO-OPERATION AMONG STATES IN ACCORDANCE WITH THE CHARTER OF THE UNITED NATIONS, BY PEOPLES STRUGGLING AGAINST COLONIALISM, ALIEN DOMINATION, FOREIGN OCCUPATION, RACIAL DISCRIMINATION AND APARTHEID."

7. GONZALEZ GALVEZ SUGGESTED THAT KENYAN PROPOSAL COULD BE COMBINED WITH RESERVATIONS ARTICLE BY REVISING BEGINNING TO READ "ARTICLES X, Y, AND Z CANNOT BE CONSTRUED AS AFFECTING...." KENYA SAID THIS INTERESTING IDEA.

8. GONZALEZ GALVEZ APPOINTED INFORMAL DRAFTING COMMITTEE OF UK, MALI, KENYA, AND IRAQ TO DRAFT PROPOSAL FOR PARA FOR RESOLUTION ADOPTING CONVENTION PLUS ARTICLE ON RESERVATIONS. THIS PROPOSAL TO BE SUBMITTED FOR DISCUSSION TO NEXT MEETING OF INFORMAL GROUP, WHICH NOW SCHEDULED FOR PM NOV 21.

9. INFORMAL DRAFTING COMMITTEE MET AM NOV 20. (WE HAD LIMITED OFFICIAL USE

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GIVEN UK REP LANGUAGE BASED ON THAT CONTAINED FRIENDLY RELATIONS DECLARATION AND URGED THEY STRIVE TO GET IT IN SEPARATE RESOLUTION.) COMMITTEE AGREED TO SUBMIT FOLLOWING TO INFORMAL GROUP, WITH BRACKETED LANGUAGE NOT YET WORKED OUT. PARA FOR RESOLUTION:

"THE PROVISIONS OF TE CONVENTION CANNOT PREJUDICE THE EXERCISE OF THE LEGITIMATE RIGHT OT SELF-DETERMINATION

AND INDEPENDENCE IN ACCORDANCE WITH THE PRINCIPLES AND THE PURPOSES OF THE CHARTER OF THE UNITED NATIONS AND THE DECLARATION ON FRIENDLY RELATIONS AND COOPERATION AMONG STATES IN ACCORDANCE WITH THE CHARTER OF THE UNITED NATIONS BY PEOPLES STRUGGLING AGAINST COLONIALISM, ALIEN DOMINATION, FOREIGN OCCUPATION, RACIAL DISCRIMINATION AND APARTHEID."

NEW ARTICLE ON RESERVATIONS:

"1. AT THE TIME OF SIGNATURE, RATIFICATION OR ACCESSION, ANY STATE PARTY MAY MAKE RESERVATIONS TO ARTICLES OF THIS CONVENTION OTHER THAN ARTICLES 1, 2, 2A, (BEGIN BRACKETS) 6, (END BRACKETS) 8 AND 11.

2. ANY STATE PARTY MAKING A RESERVATION IN ACCORDANCE WITH THE PRECEDING PARAGRAPH MAY AT ANY TIME WITHDRAW THE RESERVATION BY A COMMUNICATION TO TAKE EFFECT ADDRESSED TO...."
BENNETT

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